

Remarks

This is in response to the Office Action of September 2, 2009.

Per the above amendment, claims 1-26 have been canceled and claims 25-81 added.

A. New claims 25-81

Independent claim 25 is a combined claim of canceled claims 1 and 7.

Independent claim 26 is a combined claim of canceled claims 1 and 8.

Independent claim 27 is a combined claim of canceled claims 1 and 10 added with a technical feature of "creating a program table satisfying constraint conditions related to whole time width of said program table and time widths of said elements on a same hierarchy". This feature is disclosed by paragraphs [0108] in the specification, for example. An example of this feature is $D1=D2+D3$, or $D1=D4+D5+D8+D9$ in Fig. 8.

Claims 28-33, 39-44 and 50-55, corresponding respectively to canceled claims 2-6 and 9, depend from claims 25, 26 and 27, respectively.

Claims 34-38, 45-49 and 59-63, corresponding respectively to canceled claims 13-18, respectively, are dependent also from claims 25, 26 and 27, respectively.

Claim 57 corresponds to canceled claim 10 added with a technical feature of "rearranging said program table on the basis of said tree structure while said elements associated with each other in higher-rank and lower-rank layers keep attribute information or time width information consistent with each other." This feature is disclosed by paragraphs [0041 and 0111] in the specification, for example.

Claims 64 to 66 are directed to a server having subject matter similar to claims 25 to 27, respectively.

Claims 67-68, 69-70 and 71-72 correspond to canceled claims 20-21, respectively.

Claims 73 to 75 are directed to a system having similar subject matter as claims 25 to 27, respectively.

Claims 76-77, 78-79 and 80-81 correspond to canceled claims 23 and 24, respectively.

B. Abstract objection (Item 3 of the Office Action)

The abstract has been amended so that it does not exceed 150 words. Specifically, the sentences which follow "Moreover, in the case of ..." have been deleted.

C. Objection to claim 3 (Item 4 of the Office Action)

The wording "a user watches or hears" in canceled claim 3 (corresponds to each of new claims 29, 40 and 51) has been replaced with "a user who selects" according to the Examiner's suggestion.

D. 35 U.S.C. 112, 2nd paragraph rejection

claim 4 (Item 7 of the Office Action)

The wording "said user's" in lines 3-4 of canceled claim 4 (corresponds to each of new claims 30, 41 and 52) has been replaced with "a user's".

claim 5 (Item 8 of the Office Action)

The term "state information" in canceled claim 5 (corresponds to each of claims 31, 42 and 53) has been replaced with "information". However, the term "state information" is clearly defined by "the state information (information on various states such as present position acquired by the GPS (Global Positioning System), present time, television/radio program table at that time, condition • situation of service provider or content provider, condition received from other person • other persons, weather situation, road situation or presence or absence of fellow passenger when it exists in the interior of a vehicle)", at paragraph [0060] in the specification (or [0080] in publication US2008/0235274).

claim 12 (Item 9 of the Office Action)

To overcome this rejection, claim 57, which corresponds to canceled claim 12, has been worded so as to make it clear as to how the program table is rearranged based on the tree structure. In particular, claim 57 defines a portion of the program table be "rearranged on the basis of the tree structure while said elements associated with each other in higher-rank and lower-rank layers keep attribute information or time width information consistent with each other."

claims 15 and 16 (Items 10 and 11 of the Office Action)

The terms "the last position" and "the next position" in canceled claims 15 and 16 have been replaced with "a previous position" and "a next position", respectively, in counterpart claims 35-36, 46-47 and 60-61.

claim 22 (Item 12 of the Office Action)

The term "said predetermined network" in lines 4-5 of canceled claim 22 has been replaced with "a predetermined network" in claims 73 to 75.

E. 35 U.S.C. 101 rejection (Item 13 of the Office Action)

in response to the Section 101 rejection, the pending independent claims each have been drafted to be within the bounds of statutory subject matter. In particular, claims 25-27

each are directed to a method that utilizes specific means to perform a specific functioning process. The recited means can readily find correspondence with the elements disclosed in the specification such as for example the different components as shown in the program table creation device of Fig. 1. In addition, claims 64-66 each are directed to a program table creation device, while claims 73-75 are directed to program table creation system. Thus, each of the newly presented claims is believed to be clearly directed to statutory subject matter.

F. 102 and 103 rejections (Items 14 to 16 of the Office Action)

Claims 1-3, 5-9, 14-17 and 19-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al. (US 2003/0114968 A1). Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0114968 A1) in view of Thielen (US 2004/0117442 A1). Claims 10-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0114968 A1) in view of Chasen et al. (US 6,760,721 B1). Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0114968 A1) in view of Foote et al. (US 2003/0205124 A1).

In order to expedite the prosecution, claims 1-24 have been canceled, and new claims 25-81 have been added.

Claims 25, 64 and 73

Independent claim 25 has a technical feature defined by canceled claims 1 and 7. The technical feature recited in claim 25 is "setting priorities, when constraint falls into an excess state in constraint solution processing at the creation of said program table, with respect to said contents and/or said constraint condition so that said constraint solution processing is conducted while preferentially employing said constraint condition higher in priority".

On the other hand, Sato et al. merely disclose that new content data can be added if an estimated time length is smaller than a total length, which is a simple method (for example, paragraphs [0054]-[0057]). Furthermore, Sato et al. disclose that a priority is set to each content data in advance, and a content having a lower priority is selected in the shorten mode (for example, claim 10).

However, Sato et al. do not teach or suggest the limitation of "priorities are set when constraint falls into an excess state" and "constraint solution processing is conducted while preferentially employing the constraint condition higher in priority", as set forth in claims 25, 64 and 73.

In claim 25, priorities are set when constraint falls into an excess state. This is a technical feature of the present invention. The Examiner pointed out that "If the constraint does not fall into an excess state, the priorities are not set and the claim doesn't perform any steps." However, claim 25 has an explicit limitation of operations to be performed when constraint falls into an excess state, and that this limitation is none other than the invention. Thus, claim 25 has the particular technical feature that the priorities are set only "when" the above noted limiting feature is reached. This is quite different, both conceptually and more importantly under the well established practice for the interpretation of a patent term, from the examiner's interpretation that in essence nothing is done if the "excess state" is not reached.

As described above, Sato et al. (and also other cited references) do not teach a technical feature of claim 25. Therefore, it is believed that the present invention defined by claim 25 is patentable over the cited prior art. Furthermore, as claims 64 and 73 each

recite similar subject matter as claim 25, it is believed that the present invention as defined by claims 64 and 73 also is patentable over the cited prior art.

Claims 26, 65 and 74

Independent claim 26 corresponds to canceled claims 1 and 8, and recites the technical feature: "setting scores, when constraint falls into a shortage state in constraint solution processing at the creation of said program table, with respect to said contents and/or said constraint condition so that said constraint solution processing is conducted by making a comparison between a plurality of operation results of operations using a function in which said score is set as a parameter".

Sato et al. merely disclose that new content data can be deleted if an estimated time length is greater than a total length, which is a simple method (for example, paragraphs [0054]-[0057]). Furthermore, Sato et al. disclose that a priority is set to each content data in advance, and a content having a higher priority is selected in the extend mode (for example, claim 15).

However, Sato et al. does not disclose or suggest the concept of "priorities are set when constraint falls into a shortage state" and "constraint solution processing is conducted by making a comparison between a plurality of operation results of operations using a function in which the score is set as a parameter".

In claim 26, priorities are set when constraint falls into a shortage state. This is a technical feature of the present invention. The Examiner pointed out that "If the constraint does not fall into a shortage state, the scores are not set and the claim doesn't perform any steps." However, claim 26 has an explicit limitation of operations to be performed when

constraint falls into a shortage state, and that this limitation is none other than the invention. As noted above, such explicit requirement in a claim is patentably different from a teaching/suggestion that nothing is done when some thing has not been reached.

As described above, Sato et al. (and also other cited references) do not teach or suggest the noted technical feature of claim 26. Therefore, it is believed that the present invention defined by claim 26 is patentable over the cited prior art. Furthermore, as claims 65 and 74 each recite similar subject matter as claim 26, it is believed that the present invention as defined by claims 65 and 74 also is patentable over the cited prior art.

Claims 27, 66 and 75

The Examiner pointed out Chasen et al. teaches that a table is expressed by a tree structure.

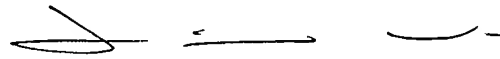
Chasen et al. disclose that artist, album and genre etc. are categorized by a tree structure as shown in Fig. 1. Fig. 1 shows a tree structure which is similar to a windows file system, or Explorer.

On the other hand, the technical feature recited in claim 27 is "a program table is expressed by a tree structure having hierarchical architecture, and is created so as to satisfy constraint conditions related to whole time width of said program table and time widths of said elements on a same hierarchy." That is, claim 27 has the technical feature that a program table is created by using constraint conditions specific to hierarchical architecture (i.e. constraint conditions related to whole time width of said program table and time widths of said elements on a same hierarchy). Sato et al. and Chasen et al. do not teach or suggest this technical feature at all.

As described above, Sato et al. and Chasen et al. (and also other cited references) do not teach the noted technical feature of claim 27. Therefore, it is believed that the present invention as defined by claim 27 is patentable over the cited prior art. Furthermore, as claims 66 and 75 each recite similar subject matter as claim 27, it is believed that the present invention as defined by claims 66 and 75 also is patentable over the cited prior art.

In view of the foregoing, allowance of claims 25-27, 64-66 and 73-75, and all claims dependent respectively therefrom, is deemed to be warranted.

Respectfully submitted,



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